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7 STANFORD HEALTH CARE,
8 Plaintiff,
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10 v.
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12 TRUSTMARK SERVICES COMPANY, et
13 al.,
14 Defendants.

15 Case No. 22-cv-03946-RS

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28 **ORDER DISMISSING THIRD
AMENDED COMPLAINT**

On March 31, 2023, Defendants' motions to dismiss the Second Amended Complaint were granted. Plaintiff's claims for breach of contract and *quantum meruit* were both dismissed with prejudice. Its claim under California's Unfair Competition Law ("UCL"), CAL. BUS. & PROD. CODE § 17200 *et seq.*, was also dismissed, but with leave to amend "to the extent that Plaintiff can attempt to seek a remedy allowed under the UCL." Dkt. 68, at 7. Plaintiff then filed its Third Amended Complaint ("TAC") that fails to include a UCL claim at all. *See* Dkt. 69.

At this point, Plaintiff has been given ample opportunities to state a claim, and multiple explanations for why its claims were not pleaded adequately. It has repeatedly failed to do so. Accordingly, there is no need to require another round of motion practice when the result is inevitable, nor is there a reason to allow Plaintiff to file a *fourth* amended complaint. The TAC is instead dismissed, *sua sponte*, with prejudice. *See Wright v. United States*, No. 13-cv-03008-CRB, 2015 WL 3902798, at *4 (N.D. Cal. June 24, 2015) (*sua sponte* dismissing amended complaint "because possible and meaningful alternatives, including prior leave to amend," had "already been

1 explored”). A separate judgment will enter and the case will be closed.

2 As a final note, Plaintiff has previously suggested that a ruling against it would “allow
3 health plans to skip out on the bill entirely.” Dkt. 55, at 19. For one thing, this potential outcome
4 does not relieve Plaintiff of its burden to state a viable claim for which this Court can grant relief.
5 Moreover, Plaintiff seems to ignore the possibility of seeking recovery from the individual
6 patients it treated, who could then seek recovery from the Chef’s Warehouse if, indeed, the Chef’s
7 Warehouse has not paid the correct amount according to the terms of the health plan.

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9 **IT IS SO ORDERED.**

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11 Dated: April 24, 2023

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RICHARD SEEBORG
Chief United States District Judge